

MONDAY, FEBRUARY 8, 1988

FIFTY-FIFTH LEGISLATIVE DAY

The House met at 5:00 P.M. and was called to order by Mr. Speaker Murray.

The proceedings were opened with prayer by Rev. Eltis Brown, Mt. Olive Baptist Church, Lebanon, Tennessee, guest of Representative Joe Bell.

Representative Joe Bell led the House in the Pledge of Allegiance to the Flag.

The roll call was taken with the following results:

Present..... 94

Representatives present were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Usery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray -- 94.

The Speaker announced that Representative Frensey was excused because of out of town business.

The Speaker announced that Representative Jackson was excused because of previous commitments.

The Speaker announced that Representative Cross was excused because of illness.

REGULAR CALENDAR

House Bill No. 1561 -- Industrial Loan and Thrift Companies -- Increases maintenance fees. Amends TCA 45-5-403.

Rep. Wheeler moved that House Bill No. 1561 be passed on third and final consideration.

Rep. R. Jones moved to amend as follows:

THURSDAY, FEBRUARY 4, 1968 -- FIFTY-FOURTH LEGISLATIVE DAY

House Bill No. 2173 -- Sports -- Passed second consideration and referred to the Education Committee.

House Bill No. 2174 -- Taxes, Gross Receipts -- Passed second consideration and referred to the Finance, Ways, and Means Committee.

House Bill No. 2175 -- Loan Companies -- Passed second consideration and referred to the Commerce Committee.

***House Bill No. 2176** -- Game and Fish Laws -- Passed second consideration and referred to the Conservation and Environment Committee.

House Bill No. 2177 -- Taxes, Business -- Passed second consideration and referred to the Commerce Committee.

House Bill No. 2178 -- School Districts -- Passed second consideration and held on Clerk's desk.

House Bill No. 2179 -- Architects -- Passed second consideration and referred to the Commerce Committee.

House Bill No. 2180 -- Hospitals and Health Care Facilities -- Passed second consideration and referred to the General Welfare Committee.

House Bill No. 2181 -- Collection Agencies -- Passed second consideration and referred to the Commerce Committee.

House Bill No. 2182 -- Jail and Jailers -- Passed second consideration and referred to the State and Local Government Committee.

House Bill No. 2183 -- Firemen -- Passed second consideration and referred to the State and Local Government Committee.

House Bill No. 2184 -- Taxes, Gasoline -- Passed second consideration and referred to the Agriculture Committee.

House Bill No. 2185 -- Loudon -- Passed second consideration and held on Clerk's desks.

House Bill No. 2186 -- Alcoholic Beverages -- Passed second consideration and referred to the State and Local Government Committee.

House Bill No. 2187 -- Appropriations -- Passed second consideration and referred to the Education Committee.

House Bill No. 2188 -- Utilities, Utility Districts -- Passed second consideration and referred to the State and Local Government Committee.

House Bill No. 2189 -- Criminal Offenses -- Passed second consideration and referred to the Judiciary Committee.

MONDAY, FEBRUARY 8, 1988 -- FIFTY-FIFTH LEGISLATIVE DAY

Representatives voting aye were: Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Clark, Collier, Crain, Curlee, Davidson, Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Gaia, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Ivy, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, Kisber, Lawson, Long, Love, Miller, Moore (Lawrence), Moore (Shelby), Odom, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Stafford, Starnes, Swann, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Yelton and Mr. Speaker Murray -- 69.

Representatives voting no were: Bewley, Chiles, Garrett, Good, Harrill, May, Montgomery, Moody, Naifeh, Nance, Napier, Peroulas, Robinson (Washington), Scruggs, Severance, Stallings and Wood -- 17.

Representatives present and not voting were: Coffey and McAfee -- 2.

A motion to reconsider was tabled.

CONSENT CALENDAR

Senate Joint Resolution 0335 -- Memorials -- Honors Benton County Fair and its participants.

House Bill No. 2007 -- Dyersburg -- Increases term of mayor and aldermen. Amends Chapter 410, Private Acts of 1903, as amended.

House Bill No. 2030 -- Fayetteville -- Provides for election of city aldermen on first Tuesday after first Monday in November. Amends Chapter 294, Private Acts of 1903, as amended.

House Bill No. 2178 -- School Districts -- Revises certain taxes for Wilson County special school district from fiscal to calendar year. Amends Chapter 59, Private Acts of 1951, as amended.

House Bill No. 2408 -- Jefferson County -- Repeals prohibition on sale of fireworks. Repeals Chapter 592, Private Acts of 1947.

House Bill No. 2409 -- Jefferson County -- Imposes wheel tax upon certain motor vehicles. Amends Chapter 49, Private Acts of 1983.

Rep. Phillips moved that all House and Senate Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions on the Consent Calendar be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes.....	94
Noes.....	0

MONDAY, FEBRUARY 8, 1988 -- FIFTY-FIFTH LEGISLATIVE DAY

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, Kieber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray -- 94.

A motion to reconsider was tabled.

UNFINISHED BUSINESS

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to House Rule No. 31, I wish to express a desire to change my original stand from no to aye on House Bill No. 1438 and have this statement entered into the Journal.

Rep. J. B. Napier

RULES SUSPENDED

Rep. Chiles moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 509 out of order, which motion prevailed.

*House Joint Resolution 0509 -- General Assembly, Adjournment, Recess -- Provides for recess of General Assembly. by *Chiles, *Naifeh.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Chiles, the resolution was adopted by the following vote:

Ayes	85
* Noes	6
* Present and Not Voting	1

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Dixon, Drew, Duer, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holt, Hurley, Huskey, Ivy, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, Kieber, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Robinson (Hamilton), Robinson (Washington), Scruggs, Shirley, Stafford, Stallings, Starnes, Swann, Tanner, Turner (Hamilton), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray -- 85.

MONDAY, FEBRUARY 8, 1988 -- FIFTY-FIFTH LEGISLATIVE DAY

Representatives voting no were: Ellis, Holcomb, Lawson, Nance, Ridgeway and Turner C (Shelby) -- 6.

Representative present and not voting was: DeBerry -- 1.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Collier moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 512 out of order, which motion prevailed.

House Joint Resolution 0512 -- Memorials, Sports -- Honors Waverly Central High School football team on reaching semifinals of TSSAA Class AA tournament. by *Collier.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Collier, the resolution was adopted.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Phillips moved to suspend Rule No. 49 (48-hour rule) to allow bills moved from Calendar and Rules Tuesday, February 9, 1988 to be set on the floor calendar for Wednesday, February 10, 1988, which motion prevailed.

Rep. Naifeh moved to suspend Rule 81-1 for two weeks (through February 17) so that bill notice in Committee will be moved up to 3:00 p.m. on each Wednesday, with calendars to be posted by 9:00 a.m. on the following Thursday morning, which motion prevailed.

RULES SUSPENDED

Rep. R. Jones moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 513 out of order, which motion prevailed.

House Joint Resolution 0513 -- Memorials, Sports -- Honors Barry Todd Wilburn on successful football career. by *Jones R.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. R. Jones, with the request that all members voting aye be added as sponsors, the resolution was adopted by the following vote:

MONDAY, FEBRUARY 8, 1988 -- FIFTY-FIFTH LEGISLATIVE DAY

Ayes.	94
Noes.	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Clark, Coffey, Collier, Copeland, Crain, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Draw, Duer, Ellis, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray -- 94.

A motion to reconsider was tabled.

NOTICE TO ACT ON SENATE AMENDMENT

Pursuant to Rule No. 59, the sponsor gave notice of intent to consider the following measure from the Senate on Wednesday, February 10, 1988:

House Bill No. 496; by Rep. Holt.

BILLS WITHDRAWN

On motion of Rep. Crain, House Bill No. 1441 was recalled from the Judiciary Committee.

On motion of Rep. Crain, House Bill No. 1441 was withdrawn from the House.

On motion of Rep. Bivens, House Bill No. 1502 was recalled from the State and Local Government Committee.

On motion of Rep. Bivens, House Bill No. 1502 was withdrawn from the House.

On motion of Rep. Bragg, House Bill No. 1735 was recalled from the General Welfare Committee.

On motion of Rep. Bragg, House Bill No. 1735 was withdrawn from the House.

SPONSORS ADDED

Without objection, the rules were suspended to allow the following members to add their names as sponsors as indicated below, the prime sponsor having agreed to such addition:

House Bill No. 1624: Reps. Buck and Crain added as prime sponsors.

MONDAY, FEBRUARY 8, 1988 -- FIFTY-FIFTH LEGISLATIVE DAY

JOURNAL CORRECTIONS

The following corrections were made to the Journal:

House Bill No. 2046 should be referred to the Transportation Committee.

House Bill No. 2245 should be referred to the Judiciary Committee.

House Bill No. 2374 should be referred to the Judiciary Committee.

House Bill No. 2433 should be referred to the Education Committee.

ANNOUNCEMENTS

Pursuant to TCA 50-7-506, a copy of the Unemployment Insurance Trust Fund Balance Report has been filed by the Commissioner of the Department of Employment Security and is on file in the Clerk's office.

INTRODUCTION OF RESOLUTIONS

House Joint Resolution 0510 -- Memorials, Congratulations -- Honors Elda McMurray on the occasion of her 100th birthday. by *Lawson, *Moody

The Speaker referred House Joint Resolution No. 510 to the Calendar and Rules Committee.

House Joint Resolution 0511 -- Memorials, Condolence -- Honors memory of Helen Earle Chamberlain. by *Lawson, Turner L, Shirley, Jones U, Dixon, Naifeh, DeBerry, Good, Moore Calvin, Nance.

The Speaker referred House Joint Resolution No. 511 to the Calendar and Rules Committee.

**SENATE JOINT RESOLUTIONS
(Congratulatory and Memorializing)**

Senate Joint Resolution 0316 -- Memorials, Condolence -- Honors the memory of Irene Patton.

The Speaker referred Senate Joint Resolution No. 316 to the Calendar and Rules Committee.

Senate Joint Resolution 0317 -- Memorials, Condolence -- Honors the memory of Sally Brewer.

The Speaker referred Senate Joint Resolution No. 317 to the Calendar and Rules Committee.

MONDAY, FEBRUARY 8, 1988 -- FIFTY-FIFTH LEGISLATIVE DAY

***Senate Joint Resolution 0320** -- Memorials, Sports -- Honors Coach John Mullinax and the McMinn County High School football team on reaching the quarter final round of the TSSAA state playoffs. by *Lewis.

The Speaker referred Senate Joint Resolution No. 320 to the Calendar and Rules Committee.

SENATE BILLS ON FIRST CONSIDERATION

***Senate Bill No. 1373** -- Safety, Dept. of -- Allows commissioner discretion in suspensions for failure to timely file accident reports. Amends TCA 55-12-1004.

Held on the Clerk's desk pending third consideration of the companion House Bill 2237.

***Senate Bill No. 1425** -- Alcoholic Beverages -- Authorizes holding of liquor by drink referenda in certain municipalities. Amends TCA, Title 57, Ch. 4.

Held on the Clerk's desk pending third consideration of the companion House Bill No. 1361.

***Senate Bill No. 1436** -- Correctional Programs -- Removes limitation on state funding of private community correction programs. Amends TCA 40-36-301.

Held on the Clerk's desk pending third consideration of the companion House Bill No. 1569.

***Senate Bill No. 1445** -- Correction, Dept. of -- Deletes requirement that department notify Senate and House State and Local Government Committees of furloughs granted. Amends TCA 41-21-227.

Held on the Clerk's desk pending third consideration of the companion House Bill No. 1898.

***Senate Bill No. 1446** -- General Assembly -- Authorizes reimbursement to members of the General Assembly for airline tickets to attend committee meetings under certain circumstances. Amends TCA 3-1-106.

Held on the Clerk's desk pending third consideration of the companion House Bill No. 1393.

***Senate Bill No. 1499** -- Utilities, Utility Districts -- Revises manner of appointing water district commissioners in certain counties. Amends TCA 7-82-307.

Held on the Clerk's desk pending third consideration of the companion House Bill No. 1461.

MONDAY, FEBRUARY 8, 1988 -- FIFTY-FIFTH LEGISLATIVE DAY

Senate Bill No. 1506 -- Public Contracts -- Revises certain provisions of the Prompt Payment Act of 1985. Amends TCA, Title 12, Ch. 4, Pt. 7.

Held on the Clerk's desk pending third consideration of the companion *House Bill No. 1370.

Senate Bill No. 1540 -- Alcoholic Beverages -- Regulates certain outdoor beer advertising signs. Amends TCA, Title 57, Ch. 5, Pt. 3.

Held on the Clerk's desk pending third consideration of the companion *House Bill No. 1371.

Senate Bill No. 1541 -- State Employees -- Restricts persons eligible for certified professional secretary automatic raises. Amends TCA 8-50-1002.

Held on the Clerk's desk pending third consideration of the companion *House Bill No. 1349.

MESSAGE FROM THE GOVERNOR

MR. SPEAKER:

I am directed by the Governor to return herewith: House Bills Nos. 1804 and 1826, with his approval.

DAVID H. WELLES,
Counsel to the Governor.

ENGROSSED BILLS

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Joint Resolutions Nos. 509 and 512; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

ENGROSSED BILLS

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bills Nos. 1438, 2007, 2030, 2178, 2408 and 2409; and House Joint Resolution No. 513; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

SIGNED

The Speaker announced that he had signed the following: House Joint Resolution No. 487.

MONDAY, FEBRUARY 8, 1988 -- FIFTY-FIFTH LEGISLATIVE DAY

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos. 1343, 1344 and 1803; substituted for Senate Bills on same subjects and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Joint Resolutions Nos. 415, 416, 417, 507, 512 and 513; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

**REPORT OF COMMITTEE ON CALENDAR AND RULES
CONSENT CALENDAR**

MR. SPEAKER: The officers of your Committee on Calendar and Rules beg leave to report that we have met and set the following bills and/or resolutions on the Consent Calendar for Wednesday, February 10, 1988: House Joint Resolutions Nos. 510 and 511; and Senate Joint Resolutions Nos. 316, 317 and 320.

PHILLIPS, Chairman.

ROLL CALL

The roll call was taken with the following results:

Present. 94

Representatives present were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jared, Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray -- 94.

On motion of Rep. Naifeh, the House adjourned until 2:00 P.M., Wednesday, February 10, 1988.